

The ABA Code of Ethics: What it Is, What it Does

by Blake Maybank

The American Birding Association tries to promulgate all that is good about birds and birding. What we do and how we do it impacts birds, fellow birders, and the human community at large. How those outside the hobby view those of us within affects our enjoyment, as well as the welfare of the birds.

That was evident 25 years ago when the Association first wrote a Code of Ethics, which quickly became both a symbol of our responsibility and a tool to help resolve ethical dilemmas. In the years since, the pastime has grown, and the recent rate of expansion in birding's popularity is almost explosive. So are some of the ethical issues that have arisen. It recently became apparent that, as a tool, the all-important Code needed sharpening. More than two years ago I was tasked with amending and updating the Code, a process finally completed in June 1996. That process has been documented in *Winging It*, the newsletter of the ABA.

The new Code has been generally well received, and many other organizations have adopted it as their own model for correct birding behavior. But the true test of such a code is how well it can guide us through the fog of human frailty.

Birders love their sport, but at times, in the passion of the chase, the pursuit of the perfect photo, or the mindlessness of Type "A" behavior, we endanger birds, damage the environment, break trespass laws, and abuse the rights of others, or, equally detrimentally, we witness such transgressions and do nothing. We need the code to provide personal guidance, to show the outside world we care, and to have something to wave in face of the misguided, the misinformed, and the maladroit, as well as those (blessedly few) unscrupulous birding thugs among us.

The Code applies to recreational and professional birders. It is not a Code for those conducting scientific bird research, nor does it address hunting. While respecting environmental conservation, the Code does not compel it. The new Code, however, embraces bird photographers. The mix of public exposure and financial reward (generally absent for bird listers) creates an atmosphere conducive to photographic ethical violations. The majority of bird photographers are responsible, but I am convinced that bird photographers account for a disproportionate number of ethical lapses. The media have certainly picked up on this theme, and anyone who runs Rare Bird Alerts is aware of potential and actual abuses, especially with "sexy" species such as owls.

The Code of Ethics is, for the moment, complete, at least as far as its content. In an ideal world the essence of the code could be distilled to three

words: "Relax. Be Polite." Regrettably, the complexities of human nature do not allow for such simplicity in our guiding commandments.

The Code is as much an external document as an internal one. It tells the world, "This is how we pursue our hobby, with common sense and respect. We invite you to do the same." And the ABA encourages the adoption of our copyright-free code, in whole or in part, by any similar organization, as long as they acknowledge the Code's ABA origin.

Now that the Code is "out there," how does it measure up as a tool? Let's weigh it against four recent examples.

Case #1 Taping During Atlassing

The coordinators of the New Jersey state atlas project do not allow taping by atlasers to confirm the presence of species or to ascertain breeding status. I imagine this is done with the birds' welfare in mind, but it seems shortsighted to me, and will certainly make the atlasers' work more difficult. Perhaps the state is blessed with a surplus of atlaser effort, but from my personal experience with the Maritime Breeding Bird Atlas, it would have been impossible to complete the project without taping (usually Screech-Owl calls, but occasionally species-specific songs). We rarely had the luxury to revisit specific sites, and any individual bird was virtually never disturbed more than once.

Ethics can be pursued too vigorously, and I believe this is one of those instances.

Case #2: Taping of Rarities

I held back, as long as possible, from any involvement in the now notorious Case of the Pygmy Nuthatch, but I was eventually dragged into the fray. Last autumn a PYNU appeared at a feeder in North Dakota, on the border with Minnesota. Some Minnesota birders lured the nuthatch across a river to MN by playing a tape of Pygmy Nuthatch calls, and counted the bird for their Minnesota lists (a state first). The Email started flying, and you'd think people were discussing the Shroud of Turin, or even abortion rights.

Many on the "anti" side held up the Code to state that taping should not be used for birds that are rare in a given area. This is a misinterpretation of the Code, which is only concerned with rare breeding birds, not vagrants as such. The outlook for most vagrants is usually grim in the north, and luring them into view by pishing or using owl calls is standard practice. There is nothing to suggest that the Pygmy Nuthatch was in any way inconvenienced by a quick, albeit futile, trip across the state line in search of a buddy (the bird returned to ND—well, wouldn't you?). In other words, I don't believe ethics is part of this debate. I leave it to the Minnesota State Checklist Committee to decide whether the PYNU should be counted on the MN list.

Case #3: The Insider Syndrome

The ABA was recently attacked for its reporting of nesting Streak-backed Orioles in Arizona. Was it ethical? The birds are extremely rare in the U.S., and the code advises against any unconsidered advertisement of rare nesting birds. In my interpretation of the Code, the Association acted ethically. Access to the orioles was controlled, and the information on the orioles' whereabouts was freely available elsewhere. The Code (1-c) does not specify who the "appropriate authorities" for releasing information are, as that will vary from place to place. In a related incident in the same state, I received complaints that knowledge of a nesting pair of Black-capped Gnatcatchers was deliberately suppressed using the Code of Ethics as justification. Although I do not know who "authorized" withholding the information, if it was done out of concern for the welfare of the birds, then I will not second-guess the decision. I am not knowledgeable enough about the species to assess whether the birds would be disturbed by repeated viewing by listers. If the nesting news was held back simply to gain a listing advantage over others, then the decision was unethical, assuming the birds are tolerant of observation.

And this is where the "Insider" syndrome kicks in. Should those "lucky" enough to be in a position of authority be permitted to count a bird when others are denied access, even for good reason? I can't answer that question, as it is not about ethics, but about listing. If the bird's welfare is assured, and the nonbirding world is disinterested, then the issue should be dealt with by a Listing Rules Committee, not an Ethics Committee.

If you are fortunate enough to find a rare nesting bird, and are uncertain whom to call, the local Rare Bird Alert coordinator should know. And be thankful that we do not yet suffer the same degree of depredation of bird eggs that still plagues Europe, which results in necessary secrecy regarding most rare bird nesting sites. We are not immune, though; recall the 1981 theft of a Ross' Gull nest in Churchill, Manitoba.

Case #4: The Massachusetts Great Gray Owl

I've been fortunate with Great Gray Owls; I've lived across Canada, spent a lot of time in the northern forests, and enjoyed many encounters with Great Grays both before and after I became a birder. There were never crowds to contend with. I watched the birds, they watched me, and life went on.

But Massachusetts went crazy when a big, sexy owl turned up close to a major urban area, in a part of the continent rarely visited by *Strix nebulosa*. There was nothing nebulous about the local reaction, though, and from the accounts I've read, the crowd control for the viewing of this owl was poor. For example, no one should have been permitted to leave the road, and no mouse lures should have been employed to get better photographs. Adequate "life looks" and "record shots" could have been had from afar, so the photographic

abuses were inexcusable. The world has a surfeit of superb Great Gray shots; more are not needed.

Similarly, whoever decided to band the bird made a serious miscalculation (some banders keep life lists of species they've ringed). Nothing useful could be learned about the movements of the species from this one bird, as the odds of recovering this one band were negligible. Especially in light of the public profile of the bird and the general feelings of the audience, the bander's irresponsibility should result in a revoked permit. I speak in this case not just as the author of the Code, but as a holder of a Master Banding license.

We have much to learn from the British about how to handle such accessible rare birds. This type of situation is going to occur more often, not less. I might suggest that the Massachusetts birding community develop a type of Emergency Measures Plan for rare birds such as this, in order to mitigate observer and media abuse and to show respect for the welfare of the bird. Admittedly, the world's Great Gray Owl population will not be threatened by abuse of one vagrant showpiece, but the reputation of birders everywhere will suffer, and that risk is important enough to warrant being prepared. The world watches us watch the birds.

I sometimes picture the terrain of Birding Ethics as an enormous bog, stretching to the horizon, with uncertain footing, diverse delights, surprises behind each hummock, and numerous opportunities to get your face wet. Fortunately, I love bogs, and so intend to remain involved in the Birding Ethics Arena, to measure action and reaction against the Code, and to ensure it retains its utility and visibility. I welcome any feedback.

Blake Maybank has been on the board of the American Birding Association since 1992, and he chairs its Ethics Committee. He has been the ABA Big Day Editor since 1987 and is a regional editor for Audubon Field Notes. In 1988 he initiated the Nova Scotia Bird Information Line (902-852-CHAT), which he still runs, and he is currently working on the ABA Birders Guide to Nova Scotia, due out in 1998. Blake's day-job is with Parks Canada, in Halifax, Nova Scotia, where he has lived for the past decade. His cats stay indoors, where they belong.

Shorebird Workshop in April

Leaders: Brian Harrington and Janis Burton (Manomet Observatory for the Conservation Sciences)
Bill Gette (Joppa Flats Education Center, Massachusetts Audubon Society)

The International Shorebird Survey and the Western Hemisphere Shorebird Reserve Network Program are important initiatives focused on research and conservation. Beginning in the spring of 1996, Joppa Flats Education Center will support both of these efforts by coordinating shorebird surveys in the Newburyport/Plum Island area.

This workshop, sponsored by Manomet Observatory and Joppa Flats, is designed to educate participants about shorebird identification, feeding and resting strategies, and migration patterns. Brian Harrington, author of *The Flight of the Knot*, will also train participants in surveying techniques and discuss the findings of the International Shorebird Survey. This program is ideal for beginning and intermediate birders who want to master shorebird identification and for individuals who want to participate as volunteers on Joppa Flats shorebird surveys.

Time: Saturday, April 5, 10:00 A.M. to 3:00 P.M.

(includes a one-hour lunch break)

Fees: Members of sponsoring organizations: \$25.00

(\$42.00 for two on the same registration)

Nonmembers: \$35.00 (\$60.00 for two on the same registration)

There are a limited number of scholarships available for this program under a grant from the Massachusetts Cultural Council. These scholarships are reserved for middle and high school teachers and leaders of organizations dedicated to community education.

If you are interested in applying for a scholarship or volunteering as an observer, please contact Sanctuary Director Bill Gette at Joppa Flats Education Center, 10 State Street, Newburyport, MA 01950 (508-462-9998).

Shorebird Field Trip in July

Wayne Petersen, Field Ornithologist for the Massachusetts Audubon Society, will conduct a shorebird field trip in the Newburyport/Plum Island area on Sunday, July 27, from 9:00 A.M. to 2:30 P.M. For details, please contact Bill Gette at the address or phone listed above. (Massachusetts Audubon Society members: \$22.00; nonmembers, \$28.00)